

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN  
BEFORE THE EXAMINING BOARD OF ARCHITECTS, PROFESSIONAL ENGINEERS,  
DESIGNERS AND LAND SURVEYORS (LAND SURVEYORS' SECTION)

IN THE MATTER OF THE LAND SURVEYORS'  
LICENSE OF PATRICK E. SMITH, S-501,  
RESPONDENT

COMPLAINT

The Wisconsin Society of Land Surveyors, by a member of its Ethics and Practices Committee, Leonard L. Lampert, complains against the respondent Patrick E. Smith and asserts:

1. That the Wisconsin Society of Land Surveyors is an association of persons organized to promote the common good and welfare of members engaged in the practice of land surveying to foster high standards of professional ethics and practice, and thus encourage public faith in the reliance of land surveyors and their work, to promote the study of land surveying problems and the education of land surveyors;

2. That the Ethics and Practices Committee of the Wisconsin Society of Land Surveyors is a committee of 9 registered land surveyors presently practicing in Wisconsin and that the purpose of said committee is to foster high standards of professional ethics and practice and thus encourage public faith in the reliance of land surveyors and their work;

3. That Leonard L. Lampert, whose post office address is 220 Greenbriar Avenue, Park Ridge, Stevens Point, Wisconsin, 54481 is a member of said Ethics and Practices Committee and is authorized by said Committee and by the Wisconsin Society of Land Surveyors to make this complaint on behalf of said Society;

4. On information and belief, that Patrick E. Smith, respondent, whose post office address is 830 East Armour Road, Oconomowoc, Wisconsin, 53066, is, and was at all times hereinafter referred to, a land surveyor registered with the Examining Board of Architects, Professional Engineers, Designers and Land Surveyors under the provisions of Wis. Stat. s. 443.02 holding Certificate No. S-501;

5. On information and belief, that respondent prepared or supervised preparation of the following described survey maps which have been recorded in the office of the Register of Deeds for Jefferson County in the City of Jefferson, Wisconsin;

- (a) A survey map of part of the east half of the northwest quarter, Section 13, T 7N, R 16 E, Town of Concord, Jefferson County, Wisconsin recorded on the 5th day of June, 1972 in Volume 1 of Certified Surveys at page 121, document number 699999, a copy of which is annexed hereto as Exhibit A and made a part of this complaint;
- (b) A survey map of part of the southeast quarter of Section 28, T 7 N, R 16 E, Town of Concord, Jefferson County, Wisconsin recorded on the 24th day of October 1972 in Volume 1 of Certified Surveys at page 205, document number 703258, a copy of which is annexed hereto as Exhibit B and made a part of this complaint;
- (c) A survey map of part of the southeast quarter of Section 26, T 6 N, R 16 E, Town of Sullivan, Jefferson County, Wisconsin recorded on the 30th day of November, 1972 in Volume 1 of Certified Surveys at 223, document number 703993, a copy of which is annexed hereto as Exhibit C and made a part of this complaint;
- (d) A survey map of part of the northeast quarter of Section 36, T 7 N, R 16 E, Town of Concord, Jefferson County, Wisconsin recorded on the 8th day of February, 1973 in Volume 1 of Certified Surveys at page 247, document number 705427, a copy of which is annexed hereto as Exhibit D and made a part of this complaint;
- (e) A survey map of part of the southwest quarter of Section 32, T 6 N, R 16 E, Town of Sullivan, Jefferson County, Wisconsin recorded on the 5th day of April, 1973 in Volume 1 of Certified Surveys at page 277, document number 706690, a copy of which is annexed hereto as Exhibit E and made a part of this complaint;
- (f) A survey map of part of the southwest quarter of Section 24, T 7 N, R 15 E, Town of Farmington, Jefferson County, Wisconsin recorded on the 17th day of April, 1973 in Volume 1 of Certified Surveys at page 283, document number 706951, a copy of which is annexed hereto as Exhibit F and made a part of this complaint;
- (g) A survey map of part of the south half of Section 32, T 8 N, R 16 E, Town of Ixonia, Jefferson County, Wisconsin recorded on the 11th day of July, 1974 in Volume 1 of Certified Surveys at page 338, document number 709131, a copy of which is annexed hereto as Exhibit G and made a part of this complaint;
- (h) A survey map of part of the northeast quarter of Section 31, T 8 N, R 14 E, Town of Milford, Jefferson County, Wisconsin, recorded on the 30th day of July, 1974 in Volume 2 of Certified Surveys at page 9, document number 709610, a copy of which is annexed hereto as Exhibit H and made a part of this complaint;
- (i) A survey map of part of the northeast quarter of Section 20, T 7 N, R 15 E, Town of Farmington, Jefferson County, Wisconsin recorded on the 3rd day of October, 1973 in Volume 2 of Certified Surveys, at page 76, document number 711245, a copy of which is annexed hereto as Exhibit I and made a part of this complaint;
- (j) A survey map of part of the southwest quarter of Section 4, T 8 N, R 15 E, in Block 7 of Cole, Bailey and . . . Co's addition to Watertown, in the 7th Ward in the City of Watertown, Wisconsin, recorded on the 30th day of November 1973 in Volume 2 of Certified Surveys at page 144, document number 712487, a copy of which is annexed hereto as Exhibit J and made a part of this complaint;

6. That on each of the survey maps described in paragraph 5, subparagraphs (a) through (c) and (e) above, respondent certified as follows: ". . . we further certify that we have complied with the provisions of Chapter 236 of the Wisconsin State Statutes.";

7. That on each of the survey maps described in paragraph 5, subparagraphs (f) through (h) and (d) above, respondent certified as follows: ". . . we further certify we have complied with Chapter 236 of the Wisconsin State Statutes and the provisions of the Subdivision Control Ordinance of Jefferson County.";

8. That on the survey maps described in paragraph 5, subparagraphs (i) and (j), above, respondent certified as follows: ". . . I have fully complied with the provisions of Chapter 236.34 of the Wisconsin Statutes in surveying and mapping the same.";

9. That the requirements and provisions of Wisconsin Statute s. 236.34 are applicable to the survey maps prepared by respondent described in paragraph five (5) above, copies of which are annexed as Exhibits A through J;

10. That the survey maps described in paragraph 5, above, copies of which are annexed as Exhibits A through J failed to meet requirements of Wisconsin Statutes s. 236.34 in at least the following respects:

(a) Exhibit A

1. fails to show necessary information concerning monumentation required by Wis. Stat. s. 236.15(1)(c) and s. 236.20(2)(b);
2. is not prepared on paper 8 1/2 inches wide by 14 inches long as required by Wis. Stat. s. 236.34(1)(c);
3. fails to show the exact width of all streets as required by Wis. Stat. s. 236.20(2)(f);
4. fails to properly identify and reference a north point as required by Wis. Stat. s. 236.20(2)(i), and
5. fails to show the number of degrees and minutes in all exterior boundary and block angles as required by Wis. Stat. s. 236.20(2)(j);

(b) Exhibit B

1. fails to show necessary information concerning monumentation required by Wis. Stat. s. 236.15(1)(c) and s. 236.20(2)(b);
2. fails to show the exact width of easements as required by Wis. Stat. s. 236.20(2)(f);
3. fails to properly identify and reference a north point as required by Wis. Stat. s. 236.20(2)(i); and
4. fails to show the number of degrees and minutes in all exterior boundary and block angles as required by Wis. Stat. s. 236.20(2)(j);

(c) Exhibit C

1. is not dated as required by Wis. Adm. Code s. A-E 1.04;
2. fails to show necessary information concerning monumentation required by Wis. Stat. s. 236.15(1)(c) and s. 236.20(2)(b);
3. fails to show the exact width of easements and streets as required by Wis. Stat. s. 236.20(2)(f);

4. fails to properly identify and reference a north point as required by Wis. Stat. s. 236.20(2)(i); and
5. fails to show the number of degrees and minutes in all exterior boundary and block angles as required by Wis. Stat. s. 236.20(2)(j);

(d) Exhibit D

1. is not sealed by respondent as required by Wis. Adm. Code s. A-E 1.04;
2. fails to show the exact length and bearing of exterior boundaries of the land surveyed and the streets as required by Wis. Stat. s. 236.20(2)(a) and (2)(c);
3. fails to show the exact width of easements and streets as required by Wis. Stat. s. 236.20(2)(f); and
4. fails to show the number of degrees and minutes in all exterior boundary and block angles as required by Wis. Stat. s. 236.20(2)(j);

(e) Exhibit E

1. fails to show the exact width of easements and streets as required by Wis. Stat. s. 236.20(2)(f); and
2. fails to include the certificates required by Wis. Stat. s. 236.34(1)(e);

(f) Exhibit F

1. fails to show necessary information concerning monumentation required by Wis. Stat. s. 236.15(1)(c) and s. 236.20(2)(b);
2. fails to show easements in the manner required by Wis. Stat. s. 236.20(2)(c);
3. fails to show the exact width of easements and streets as required by Wis. Stat. s. 236.20(2)(f);
4. fails to properly identify and reference a north point as required by Wis. Stat. s. 236.20(2)(i);
5. fails to show the number of degrees and minutes in all exterior boundary and block angles as required by Wis. Stat. s. 236.20(2)(j); and
6. fails to give a clear and concise description of the land surveyed in the manner required by Wis. Stat. s. 236.34(1)(d);

(g) Exhibit G

1. fails to show necessary information concerning monumentation required by Wis. Stat. s. 236.15(1)(c) and s. 236.20(2)(b);
2. fails to show easements in the manner required by Wis. Stat. s. 236.20(2)(c);
3. fails to show the exact width of easements and streets as required by Wis. Stat. s. 236.20(2)(f);
4. fails to properly identify and reference a north point as required by Wis. Stat. s. 236.20(2)(i);
5. fails to show the number of degrees and minutes in all exterior boundary and block angles as required by Wis. Stat. s. 236.20(2)(j); and
6. fails to give a clear and concise description of the land surveyed in the manner required by Wis. Stat. s. 236.34(1)(d);

(h) Exhibit H

1. fails to show necessary information concerning monumentation required by Wis. Stat. s. 236.15(1)(c) and s. 236.20(2)(b);
2. fails to show easements in the manner required by Wis. Stat. s. 236.20(2)(c);
3. fails to show the exact width of easements and streets as required by Wis. Stat. s. 236.20(2)(f); and
4. fails to show the number of degrees and minutes in all exterior boundary and block angles as required by Wis. Stat. s. 236.20(2)(j);

(i) Exhibit I

1. fails to show easements in the manner required by Wis. Stat. s. 236.20(2)(c);
2. fails to show the exact width of easements and streets as required by Wis. Stat. s. 236.20(2)(f); and
3. fails to properly identify and reference a north point as required by Wis. Stat. s. 236.20(2)(i);

(j) Exhibit J

1. fails to show easements in the manner required by Wis. Stat. s. 236.20(2)(c);
2. fails to show the exact width of easements and streets as required by Wis. Stat. s. 236.20(2)(f); and
3. does not show lots and blocks numbered in the manner required by Wis. Stat. s. 236.20(2)(e) and 236.20(2)(f);

11. That the survey maps described in subparagraphs (a), (b), (c), (d), (e), (g), (h) and (i) of paragraph 5, above, fail to identify parcels shown on said maps in a manner sufficient to permit the use of said maps in conveyancing;

12. That respondent's preparation of the above described survey maps which fail to meet requirements of Wis. Stat. s. 236.34 and in accordance with Wis. Adm. Code s. A-E 1.04 as described in paragraph ten (10), above, constitutes gross negligence, incompetence and misconduct in the practice of land surveying;

13. That respondent's failure to identify parcels shown on said maps in a manner sufficient to permit the use of said maps in conveyancing constitutes misconduct in the practice of land surveying;

WHEREFORE, complainant demands that the Land Surveyors' Section of the Examining Board hear evidence relevant to matters recited herein and determine whether the license of respondent should be revoked or suspended, or whether respondent should receive an official reprimand.

This complaint was drafted by William Dusso, an attorney employed by the Examining Board of Architects, Professional Engineers, Designers and Land Surveyors.

LEONARD L. LAIPLERT, for  
the Wisconsin Society of  
Land Surveyors

STATE OF WISCONSIN )  
PORTAGE COUNTY )

Leonard L. Lampert, being first duly sworn, on oath deposes and says that he is a member of the Ethics and Practices Committee of the Wisconsin Society of Land Surveyors, and is duly authorized to make this verification, that he has read the foregoing Complaint and knows the contents thereof, that the same is true to his own knowledge, except as to those matters alleged on information and belief, and as to those matters, he believes it to be true.

\_\_\_\_\_  
Leonard L. Lampert

Subscribed and sworn to before me  
this \_\_\_\_\_ day of \_\_\_\_\_, 1975.

\_\_\_\_\_  
Notary Public, Portage County, Wis.  
My Commission \_\_\_\_\_.

STATE OF WISCONSIN

BEFORE THE EXAMINING BOARD OF ARCHITECTS, PROFESSIONAL ENGINEERS,  
DESIGNERS AND LAND SURVEYORS (LAND SURVEYORS' SECTION)

---

IN THE MATTER OF THE LAND SURVEYOR'S LICENSE  
OF PATRICK E. SMITH, RESPONDENT (S-501).

FINDINGS OF FACT,  
CONCLUSIONS OF LAW  
AND ORDER

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The above entitled proceeding having come on for hearing before the Land Surveyors' Section of the Examining Board of Architects, Professional Engineers, Designers and Land Surveyors at General Executive Office Facility No. 1, Madison, Wisconsin, on March 25, 1975, pursuant to notice of hearing containing the issues involved and charges to be considered, duly served upon the respondent, Patrick E. Smith, and respondent having filed answer on March 17, 1975, and having appeared in person and by his attorneys, Herro, Snyder, Chapman & Snyder, by Patrick L. Snyder, and the Land Surveyors' Section of the Examining Board, represented by Lowell E. Nass, Assistant Attorney General, having heard the evidence presented by William Dusso, attorney, in support of said charges, and the evidence presented by respondent, in opposition thereto, and the Board having considered the pleadings, testimony, exhibits, arguments and proceedings herein, hereby makes and files its findings of fact, conclusions of law and order, constituting its decision in this matter.

## FINDINGS OF FACT

1. That Patrick E. Smith, respondent, whose post office address is 830 East Armour Road, Oconomowoc, Wisconsin 53066, is, and was at all times hereinafter referred to, a land surveyor registered with the Examining Board of Architects, Professional Engineers, Designers and Land Surveyors under the provisions of sec. 443.02, Stats., holding Certificate No. S-501;

2. That respondent prepared or supervised preparation of the following described survey maps which have been recorded in the office of the Register of Deeds for Jefferson County in the City of Jefferson, Wisconsin:

- (a) A survey map of part of the east half of the northwest quarter, Section 13, T 7 N, R 16 E, Town of Concord, Jefferson County, Wisconsin recorded on the 5th day of June, 1972 in Volume 1 of Certified Surveys at page 121, document number 699999, a copy of which is Exhibit A in this matter;
- (b) A survey map of part of the southeast quarter of Section 28, T 7 N, R 16 E, Town of Concord, Jefferson County, Wisconsin recorded on the 24th day of October 1972 in Volume 1 of Certified Surveys at page 205, document number 703258, a copy of which is Exhibit B in this matter;
- (c) A survey map of part of the southeast quarter of Section 26, T 6 N, R 16 E, Town of Sullivan, Jefferson County, Wisconsin recorded on the 30th day of November, 1972 in Volume 1 of Certified Surveys at 223, document number 703993, a copy of which is Exhibit C in this matter;

- (d) A survey map of part of the northeast quarter of Section 36, T 7 N, R 16 E, Town of Concord, Jefferson County, Wisconsin recorded on the 8th day of February, 1973 in Volume 1 of Certified Surveys at page 247, document number 705427, a copy of which is Exhibit D in this matter;
- (e) A survey map of part of the southwest quarter of Section 32, T 6 N, R 16 E, Town of Sullivan, Jefferson County, Wisconsin recorded on the 5th day of April, 1973 in Volume 1 of Certified Surveys at page 277, document number 706690, a copy of which is Exhibit E in this matter;
- (f) A survey map of part of the southwest quarter of Section 24, T 7 N, R 15 E, Town of Farmington, Jefferson County, Wisconsin recorded on the 17th day of April, 1973 in Volume 1 of Certified Surveys at page 283, document number 706951, a copy of which is Exhibit F in this matter;
- (g) A survey map of part of the south half of Section 32, T 8 N, R 16 E, Town of Ixonia, Jefferson County, Wisconsin recorded on the 11th day of July, 1974 in Volume 1 of Certified Surveys at page 338, document number 709131, a copy of which is Exhibit G in this matter;
- (h) A survey map of part of the northeast quarter of Section 31, T 8 N, R 14 E, Town of Milford, Jefferson County, Wisconsin recorded on the 30th day of July, 1974 in Volume 2 of Certified Surveys at page 9, document number 709610, a copy of which is Exhibit H in this matter;
- (i) A survey map of part of the northeast quarter of Section 20, T 7 N, R 15 E, Town of Farmington, Jefferson County, Wisconsin recorded on the 3rd day of October, 1973 in Volume 2 of Certified Surveys, at page 76, document number 711245, a copy of which is Exhibit I in this matter; and
- (j) A survey map of part of the southwest quarter of Section 4, T 8 N, R 15 E, in Block 7 of Cole, Bailey and . . . Co's addition to Watertown, in the 7th Ward in the City of Watertown, Wisconsin recorded on the 30th day of November, 1973 in Volume 2 of Certified Surveys at page 144, document number 712487, a copy of which is Exhibit J in this matter;

3. That on each of the survey maps described in paragraph 2, subparagraphs (a) through (c) and (e) above, respondent certified as follows: ". . .we further certify that we have complied with the provisions of Chapter 236 of the Wisconsin State Statutes.";

4. That on each of the survey maps described in paragraph 2, subparagraphs (f) through (h) and (d) above, respondent certified as follows: ". . . we further certify we have complied with Chapter 236 of the Wisconsin State Statutes and the provisions of the Subdivision Control Ordinance of Jefferson County.";

5. That on the survey maps described in paragraph 2, subparagraphs (i) and (j), above, respondent certified as follows: ". . . I have fully complied with the provisions of Chapter 236.34 of the Wisconsin Statutes in surveying and mapping the same.";

6. That the requirements and provisions of sec. 236.34, Stats., are applicable to the survey maps prepared by respondent described in paragraph 2 above, copies of which are Exhibits A through J in this matter;

7. That the survey maps described in paragraph 2, above, copies of which are Exhibits A through J in this matter, failed to meet requirements of sec. 236.34, Stats., in at least the following respects:

(a) Exhibit A

1. fails to show necessary information concerning monumentation required by sec. 236.15 (1) (c) and sec. 236.20 (2) (b), Stats.;
2. is not prepared on paper 8 1/2 inches wide by 14 inches long as required by sec. 236.34 (1) (c), Stats.;

3. fails to show the exact width of all streets as required by sec. 236.20 (2) (f), Stats.;
4. fails to properly identify and reference a north point as required by sec. 236.20 (2) (i), Stats.; and
5. fails to show the number of degrees and minutes in all exterior boundary and block angles as required by sec. 236.20 (2) (j), Stats.;

(b) Exhibit B

1. fails to show necessary information concerning monumentation required by sec. 236.15 (1) (c) and sec. 236.20 (2) (b), Stats.;
2. fails to show the exact width of easements as required by sec. 236.20 (2) (f), Stats.;
3. fails to properly identify and reference a north point as required by sec. 236.20 (2) (i), Stats.; and
4. fails to show the number of degrees and minutes in all exterior boundary and block angles as required by sec. 236.20 (2) (j), Stats.;

(c) Exhibit C

1. is not dated as required by A-E 1.04, Wis. Adm. Code;
2. fails to show necessary information concerning monumentation required by sec. 236.14 (1) (c) and sec. 236.20 (2) (b), Stats.;
3. fails to show the exact width of easements and streets as required by sec. 236.20 (2) (f), Stats.;
4. fails to properly identify and reference a north point as required by sec. 236.20 (2) (i), Stats.; and
5. fails to show the number of degrees and minutes in all exterior boundary and block angles as required by sec. 236.20 (2) (j), Stats.;

(d) Exhibit D

1. is not sealed by respondent as required by A-E 1.04, Wis. Adm. Code;
2. fails to show the exact length and bearing of exterior boundaries of the land surveyed and the streets as required by sec. 236.20 (2) (a) and (2) (c), Stats.;
3. fails to show the exact width of easements and streets as required by sec. 236.20 (2) (f), Stats.; and
4. fails to show the number of degrees and minutes in all exterior boundary and block angles as required by sec. 236.20 (2) (j), Stats.;

(e) Exhibit E

1. fails to show the exact width of easements and streets as required by sec. 236.20 (2) (f), Stats.; and
2. fails to include the certificates required by sec. 236.34 (1) (e), Stats.;

(f) Exhibit F

1. fails to show necessary information concerning monumentation required by sec. 236.15 (1) (c) and sec. 236.20 (2) (b), Stats.;
2. fails to show easements in the manner required by sec. 236.20 (2) (c), Stats.;
3. fails to show the exact width of easements and streets as required by sec. 236.20 (2) (f), Stats.;
4. fails to properly identify and reference a north point as required by sec. 236.20 (2) (i), Stats.;
5. fails to show the number of degrees and minutes in all exterior boundary and block angles as required by sec. 236.20 (2) (j), Stats.; and
6. fails to give a clear and concise description of the land surveyed in the manner required by sec. 236.34 (1) (d), Stats.;

(g) Exhibit G

1. fails to show necessary information concerning monumentation required by sec. 236.15 (1) (c) and sec. 236.20 (2) (b), Stats.;
2. fails to show easements in the manner required by sec. 236.20 (2) (c), Stats.;
3. fails to show the exact width of easements and streets as required by sec. 236.20 (2) (f), Stats.;
4. fails to properly identify and reference a north point as required by sec. 236.20 (2) (i), Stats.;
5. fails to show the number of degrees and minutes in all exterior boundary and block angles as required by sec. 236.20 (2) (j), Stats.; and
6. fails to give a clear and concise description of the land surveyed in the manner required by sec. 236.34 (1) (d), Stats.;

(h) Exhibit H

1. fails to show necessary information concerning monumentation required by sec. 236.15 (1) (c) and sec. 236.20 (2) (b), Stats.;
2. fails to show easements in the manner required by sec. 236.20 (2) (c), Stats.;
3. fails to show the exact width of easements and streets as required by sec. 236.20 (2) (f), Stats.; and
4. fails to show the number of degrees and minutes in all exterior boundary and block angles as required by sec. 236.20 (2) (j), Stats.;

(i) Exhibit I

1. fails to show easements in the manner required by sec. 236.20 (2) (c), Stats.;
2. fails to show the exact width of easements and streets as required by sec. 236.20 (2) (f), Stats.; and
3. fails to properly identify and reference a north point as required by sec. 236.20 (2) (i), Stats.;

(j) Exhibit J

1. fails to show easements in the manner required by sec. 236.20 (2) (c), Stats.;
2. fails to show the exact width of easements and streets as required by sec. 236.20 (2) (f), Stats.; and
3. does not show lots and blocks numbered in the manner required by sec. 236.20 (2) (e) and sec. 236.20 (2) (f), Stats.

CONCLUSIONS OF LAW

That respondent's preparation of the above described survey maps which failed to meet the requirements of sec. 236.34, Stats., and A-E 1.04 (4), Wis. Adm. Code, constitutes gross negligence as defined in A-E 4.003 (2), Wis. Adm. Code, and misconduct in the practice of land surveying as defined in A-E 4.003 (3), Wis. Adm. Code, and respondent Patrick E. Smith is therefore subject to penalty as provided by sec. 443.02 (8), Stats.

ORDER

IT IS ORDERED that respondent Patrick E. Smith (S-501) be and hereby is reprimanded.

Let a copy of these findings of fact, conclusions of law and order be served by certified mail upon Patrick E. Smith and his attorneys, Herro, Snyder, Chapman & Snyder.

Dated this 2nd day of May, 1975.

Examining Board of Architects,  
Professional Engineers, Designers  
and Land Surveyors

BY: \_\_\_\_\_

